Sectt. II-27—45,000—19-10-59.

Home (1960) Department.

MVS SERIES.

G.O. No. 5203

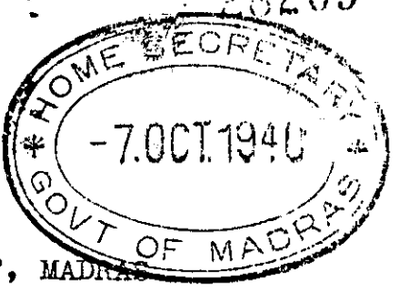
Dated 19—12-1960

R.37/E

[Despatch Abstract.]

Motor Vehicles -Permit - Buses MYS 8755 and MYS 9845 - Cancellation - Orders of Road Traffic Board, Bellary and the decision of the Central Road Traffic Board -Sri Chenna Veerappa's petition -Road Traffic Board's order to be revised - Permanently barring a person from holding a permit -Not warranted -Central Board to issue instructions.

A - ✓ 28269



BEFORE THE PROVINCIAL GOVERNMENT, MADRAS

Revision Petition No. of 1940.

S. Chenna Veerappa. ... ... Petitioner.

Revision Petition under Section 150 of the Motor Vehicles Rules of 1940.

I declare that I have been duly instructed to present this petition and argue the same before the Government.

Dated at Madras this 7th day of October 1940.

S. Chenna Veerappa
Petitioner.

V. Srinivasachari
Advocate for Petitioner.

BEFORE THE PROVINCIAL GOVERNMENT,

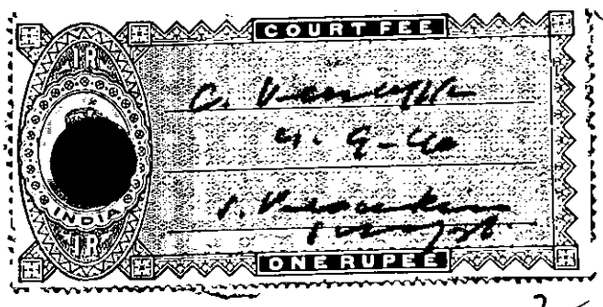
MADRAS.

Revision Petition No. of 1940.

S. Chenna Veerappa. Petitioner.

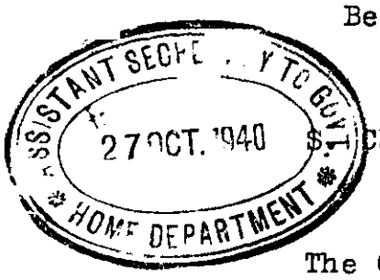
MEMO OF APPEARANCE.

Mr. T. Srinivasachari,
Advocate for Petitioner.



2

Before the Provincial Government, Madras. 30450
Revision Petition No. of 1940.



S. Chenna Veerappa. ... ... Petitioner.

Vs.

The Central Road Traffic Board, Madras. Respondents.

Revision Petition under Rule 150 of the Motor Vehicle's rules of 1940 :--

Revision Petition filed on behalf of S. Chenna Veerappa, Bellary, owner of buses Mys. 8755 and 9845, against the order passed on appeal before the Central Road Traffic ~~Road~~ Board, Madras, by order L. DIS. No. 5350/40 dated 7th September 1940 rejecting the appeal :-

1. The Petitioner abovenamed begs to present this Revision Petition against the Appellate Order of the Central Road Traffic Board, Madras, refusing to cancel the Order of the Road Traffic Board, Bellary, revoking licences for the two buses Mys. 8755 and 9845, respectively, belonging to the Petitioner herein.

The address for service of all notices etc., of the petitioner is that of his Advocate, Mr. T. Srinivasachariar, Advocate, at No. 12, Law Chambers, High Court Buildings, Madras, and the petitioner prays that at the time of the consideration of his petition and before final orders are passed thereon, his Advocate may be given an opportunity and be heard on his behalf.

2. The petitioner is a motor licence-holder and owns three buses and five lorries and has been running the

motor service for the past nearly six years and -- his chief means of livelihood is by the earnings - of these buses and lorries. he has a large number of dependents whom he has got to support. The -- Petitioner owns landed properties both in British and Mysore territories and is paying to the --- Government large sums of money as taxes and licence fees. He is besides financially a sound man.

3. The secretary, Road Traffic Board, Bellary, acting on the report of the Probationary A.D.S.P. of Bellary, dated 27-4-1940, that the petitioner's bus, Mys 8755 was overloaded, by his proceedings ~~dat~~ dated 29-4-1940, suspended the licence for the bus and called for an explanation from the petitioner why the licences for all the buses should not be -- permanantly cancelled and he be declared an unfit person to run a public motor service; such explanation to be submitted within three days. On a perusal of the above proceedings it is quite apparent that the authorities were not favourably disposed to --- wards this unfortunate petitioner as otherwise the feverish haste with which the Law is set in motion - against him and the very insufficient time granted - to him for submitting his written explanation -- cannot be properly accounted for. Strangely enough this suject of cancellation was not even included -- in the Ajenda for the meeting of the 31st May 1940 - of the Road Traffic Board, Bellary, when final Orders were passed, without intimating to the petitioner or giving him a chance to defend his action. The -- Petitioner was thus prevented from seeking and utilising any legal assistance and he was not even granted breathing time to offer his explanation. Such ---

11.13.14 (V)

explanation as he could submit in that exited and anxious state of mind was submitted by him and the Road Traffic Board, Bellary, merely stated in their order that his explanation was also considered.

4. To buttress their Order, the Road Traffic Board, Bellary, have laboured hard to unearth a number of trivial and trumpery charges against the petitioner, running over a period of all these 5 or 6 years (i.e.) ever since the inception of his bus services and stated that there have been 40 or more offences comitted by him during all this period and that therefore he is not a fit and proper person to run a public motor service. Strangely enough this course of reasoning sounds more like putting the cart before the horse. The petitioner humbly begs to submit that none of the charges mentioned therein are grave ones or of such a criminal nature so as to disqualify him to run a motor service. They are all for minor offences for infringement of motor rules which is not uncommon with any motor bus service.

5. The petitioner further begs to submit that but for the overloading on 27-4-1940 none of his previous convictions would by themselves have been held to be a bar for his continuing the service and in spite of the several charges against him his licence would have been renewed and he would still have continued to be a fit and proper person to run the motor service. The petitioner has within the very limited time granted to him offered his written

explanation and even gave an undertaking that such offences for overloading etc,. will not be comitted by him in future and the Road Traffic Board, -- Bellary, should have accepted his explanation and should have given him an opportunity to correct - himself or at least could have passed a lesser sentence on him and could thus have spared himfrom - sudden utter ruin.

6. On a reference made by the Road Traffic -- Board, Bellary, to the Road Traffic Board, Mysore, the petitioners licence in that teritory also was -- cancelled but the petitioner has also appealed to the Mysore authorities and his appeal is pending --- disposal. The Petitioner hopes that his case will - be favourably considered there.

7. The petitioner begs to submit that before -- permanently cancelling licences for his buses ~~and~~ he ought to have been given sufficient time and warning, the offences, if any,ought to have been brought to ~~h~~ his notice, his explanation sought, and the question of permanently cancelling his liciences should have been deferred to the time of the renewal of his ---- licences. By suddenly depriving him of his licences the petitioner has incurred irrepairable loss which he never had anticipated.

8. In the fond hope of getting the order of the Road Traffic Board, Bellary, reversed on appeal by the Central Road Traffic Board, Madras, the petitioner was all these months maintaining the staff,buses, -

garage and rapair depot intact, and thus has lost a considerable sum of money.

9. The petitioner understands that two other persons were granted permanent liciences to run the buses in the routes originally owned by the petitioner by the Road Traffic Board, Bellary, -- even without waiting for the appeal time and such proceedure on their part only shows their attitude towards the petitioner. The petitioner prays that the Government may be pleased to direct the Road Traffic Board, Bellary, not to grant permanent licences to anyone for the routes originally owned by the petitioner till the disposal of this petition and even if such licences were already granted the Road Traffic Board, Bellary, may be directed to revoke the same forthwith.

10. The petitioner humbly submits that he is -- repentent and gives a solemn undertaking that in future if his service is restored to him he would strictly adhere to the letter of the Law and not give room for any complaints against him and prays that the licences originally granted to him may be restored to him and he be saved from utter ruin and disgrace.

11. The petitioner prays that his explanation to the Road Traffic Board, Bellary, his memo of Appeal and additional grounds filed before the Central Road Traffic Board, Madras, may be treated as part of his petition, and his petition may be considered at an early date and he be restored to his original status.

Dated at Madras this 7th day of October 1940.

Advocate for Petitioner.

Petitioner.

Home (B) dep.

Permits – Motor Vehicles – Buses MYS & TSS and 9845 – Cancellation by the R. T. Board Bellary – decision of the Central Board – Refer: Petition from Sri Chenna Veerappa dt 7-10-40

Endt. 2&269 Bl dt 14-10-41

Referred to the Central Board for remarks and return with the connected records.

Dpd. by Van / Post / Messenger
Dpr.'s initials.

To

The Secy. C. R. T. Board
(with pp 2-6 Cf in original to be returned with reply)
R.D. 1 month.

Pl write in duty.

Note:

Please A on p6 Cf. It does not appear necessary to grant this request as the representation at pp2-6 Cf

is only a revision petition.
The draft on plaint is for
Consideration.

8/10

13/X

5

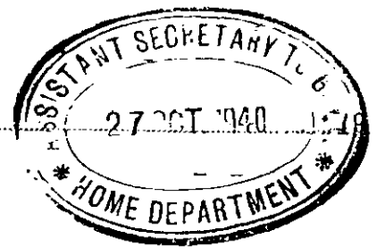
8/10

Issue. no "stay".

4.

30438 C.F. 36.

DEPARTMENT.



Received 27 OCT 1940 *Registered* ..... 19 .

Subject.

MOTOR VEHICLES - Permit - Buses MYS.8755 and 9845- Cancellation by Road Traffic Board, Bellary-Decision of Central Board-Petition from Chenna Veerappa.

ENDORSEMENT 28269 B-1, Home, dated 14th October.1940..

ENCLOSURES.

.....

.....

.....copies.....

R. No. 9651/40

Station ....., *Dated the* 24th October, 1940.

From (Name) E.W.Bouchier, Esq., I.C.S.,

(Designation) Secretary, Central Road Traffic Board, Chepauk, Madras.

To The Secretary to the Government of Madras,

Home Department.

Sir,

The Central Board submits that the petitioner was the owner of buses MYS.8755 and 9845 which were plying on the Rayadrug-Bellary and Bellary-Chittaldrug routes respectively. He has a thoroughly bad record as a bus operator and he and his servants have persistently disregarded the law. He has 20 convictions on his own record, some of them for non-payment of tax. After giving him an opportunity to explain the Road Traffic Board, Bellary cancelled the permit of these buses. The order of the Road Traffic Board is seen at pages 13-14 cf. of L.Dis.5350/40. The Central Board invites the attention of Government to the report of the Secretary, Road Traffic Board at pages 29-37 cf. of the file.

P.T.O.

11

-2-

2. Against the decision of the Road Traffic Board, the petitioner appealed to the Central Board. The appeal was considered by this Board at its meeting held on 4-9-40 at which the petitioner was heard. The Central Board agreed with the Road Traffic Board's view that the petitioner was not a fit person to run a bus service, and rejected the appeal.

MN 3-10 (V)

3. The Central Board's file L.Dis.5350/40 is enclosed (V) for reference and return.

Secretary.

Encl:-petition in original.
C.R.T.B. file L.Dis.5350/40.

A.26.10.

28269
C170 ~~30438~~ Home (B) deptt
7/10

M.Vs - Permits - Buses - Mys 8755 and 9845 - Cancellation by the R.T. Board, Bellary - decision of the Central Board.

---

p2 cf From Sri Chenna Veerappa Dy 7-10-40.

---

pp 8-9 cf Please see A on p 6 cf - It does not appear necessary to grant this request as the representation at pp 2-6 cf is only a revision petition. The draft (on p8 cf) is for Consideration

M.T
8/10
UKD
8/10

P. M. J.
13/10

Issue. No "Stay"
A.R.M
14/10.

p8 cf [Endt. No 28269 B-1 Dy 14-10-40]

p10 cf C170 30438 From the Secy, C.R.T. Board. No. 965/4 Dy 24-10-40

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pp. 2-6 cf The petition is a complaint against the appellate decision of the Central Board at p7 cf. declining to interfere with the orders of the R.T. Board, Bellary

at pp 13-14 of (V). The Central Boards remarks on the petition are at pp 10-11 of.

2. The petitioner's statement that he is the owner of three buses and five lorries does not appear to be correct. It has been reported by the Secy. R.T. Board ~~to the Board~~ That he had only 2 buses and 1 lorry. para 2 of p 2 of p 31 of (V)

3. The order of the R.T. Board, Bellary at p 13-14 of (V) relates to the following questions :—

(i) Cancelling the permit in respect of the bus MYS 8755
(ii) Cancelling the permit in respect of the bus MYS 9845; and
(iii) debarring the petitioner permanently from holding any permit for public service vehicles. para 8 on p 4 of (V)

C on p 2 of (V)

Item (i) above

The bus MYS 8755 was found over loaded on 27-4-40 and the orders were passed ≠ Cancelling its permit. Under section 48(d)(iv) a Transport Authority can attach to a permit a condition that not more than a specified number of passengers shall be carried on the vehicles at any one time. A breach of this condition, viz. overloading, is therefore an offence, in respect of which the permit may be para 3 on p 13 of (I) ≠ para 8 on p 4 of (V) p 53 of M.V.T. Code, 1939.

Cancelled or suspended under section 60(1)(a) of the Act. The proviso to this section requires that a permit holder should be given an opportunity to submit his explanation before his permit is cancelled. In this case the petitioner was given this opportunity and he had submitted a written explanation. The orders of the R.T. Board in this case is therefore in accordance with the provisions of the Act.

p 66 of M.R.T. Code 1940

L on p 13 of (V) and L on p 4 of

Neither the M.V. Act nor the M.V. Rules require that in such a case the offender should be given an opportunity of being heard, as contended by the petitioner.

Item (ii) in para 3 on p 2 ante

v p 3 of

x

The other lorry MYS 9845 was found overloaded on 31-1-40 and its permit was suspended in March 1940 for one month as a specific punishment under rule 157 of the M.V. Rules 1938. It does not appear proper that in respect of this same offence a further and higher punishment should be awarded subsequently in May 1940 by the same authority and its permit cancelled. The finding that the petitioner is not a fit and

para 2 on p 13 of (V).

p 67 of M R T Code 1938

para 6 on p 13. (i)

proper person to hold a permit in view of his past bad record cannot be deemed to be a ground for cancelling the permit of this bus because cancellations can be only for any of the offences specified in section 60(1) pt 4 of M.R.T code '42 and this is not one of them.

Rule 194 of the M.V. Rules 1940 referred to in the R.T.A's proceedings empowers transport Authorities to cancel a permit in respect of all or any of the vehicles specified in the permit. This rule seems irrelevant so far as the present case is concerned because the two buses apparently had two different permits.

pt 8 of M.R.T code '40

pt 4 of M.R.T code '42

The cancellation of the permit of this bus does not appear to be ~~illegal~~ proper for the reasons given in Item (iii) in para 3 of page 2 ante.

The M.V. Act, 1939 and the M.V. Rules, 1940 do not contemplate the issue of such an order

Section 57(2) and (3) enumerates the procedure to be followed in regard to an application for a stage carriage permit. Once an application is received the Transport Authority is required to follow this procedure

pt 4 of M.R.T code '42

and the matters that should be taken into ~~and the~~ Considerations ~~that should be brought out in~~ arriving at a decision as to the grant or refusal of an application are specified in section 47 of the Act Under rule 153 of the M.V. Rules 1940, the Transport Authority can decline to receive applications only in the circumstances specified in that rule. Under rule 149(11) of the M.M.V. Rules, 1938 the transport authority was required to take into Consideration the qualifications and financial stability of the applicant for a permit; but no such provision now exists either in the M.V. Act or in the M.V. Rules 1940.

p58 of M.R.T Code 1940

p65 of M.R.T Code 1938

When refusing an application for a permit, the Transport Authority must give the appellant in writing its reasons for ~~refusing~~ doing so - Vide Section 57(7) - the reasons presumably being those specified in Section 47 of the Act or in rule 153 of the M.V. Rules, 1940

p65(c) M.R.T Code, 1940

Submitted for orders

13/11

13/11

The order of cancellation of the permit of M/s 755 was correct.

2

-- --

Cancellation of the permit of bus MY3984 does not appear to be legally justifiable. The suspension of the permit for overloading on 31.1.40 was ordered on 16.3.40 by the Road Traffic Board and the R.T.Bd. cannot revise that order and order cancellation of its the permit which in effect is what it did in order on 31.1.40 (J.F.) Actually the R.T.Board asked the petitioner to show cause why both the permits should not be cancelled " or systematic violation of rules and regulations under the M.V.Act " Rules." But this is not one of the prescribed conditions under which permits can be cancelled. It is submitted that a permit can be cancelled only on the conditions mentioned in sec.60 of the M.V.Act and for no other reason.

The order debarring the petitioner permanently from holding a permit does not appear to be a legal order passed under the Act or the M.V.Rules, 1940. Nor does it seem to be necessary to pass such an order. If petitioner ever applies for a permit for a bus when there are other applicants the other applicants will naturally be preferred instead of the petitioner. Preferring one applicant to another does not amount to a refusal of the stage carriage permit under sec.47 of the Act as the permit is granted but not to the disappointed applicant. As it is most unlikely that petitioner will ever be the sole applicant for a stage carriage permit, the incidental question whether the permit can be refused only on the grounds mentioned in sec.47(1) and none other, need not be considered.

18/11

S

para 8 on p 13 ante (V)

para 2 on p 13 ante

I can't read this suggestion of "revising"

para 4 on p 13 ante

A p 66 of M.R.T Code 1940

C on p 14 of (V).

p 58 of M.R.T Code 1940

As above - I will like this more closely examined in office in the light of S.72 of the Act & any other section or rule that bears on common offences such as overloading.

20.11.40.

With reference to Secy's note on p.6 ante the following note is submitted:

Section 60 of the M.V.Act is the only provision which deals with cancellation or suspension of a permit. Under section 60(1)(a) a permit is liable to be cancelled or suspended on the breach of any condition contained in the permit. Under section 48(d)(iv) the maximum number of passenge that may be carried in a bus can be specified as the condition of the permit. This condition is generally specified in all permits -- cf. item (5) in Form PSP and item (5)(b) in Form PSS. A breach of this condition, viz., carrying in a bus passengers in excess of the number specified in its permit, thus entails cancellation or suspension of the permit under sec. 60(1)(a).

Under section 59(3)(d) it is a condition of every permit that the vehicle should not be driven in contravention of the provisions of section 72.

Section 72 deals with --

(1) the prohibition or restriction in rega to the use of heavy transport vehicles that may be imposed by the Govt. or conditionsfor the issue of permits in respect of such vehicles that may be prescribed by the Government;

(2) the driving of motor vehicles without pneumatic tyres; and

(3) driving of any motor vehicle whose laden, unladen or axle weight exceeds the weight specified in the registration certificate of that vehicle.

Items (1) and (2) need not be considered -- buses generally are not heavy transport vehicles and have pneumatic tyres. As regards item (3) it is submitted

that the laden and other weights ~~specified~~ allowed in the permit may not be the same as the weights specified in the registration certificate. A breach of the provisions of section 72 involves prosecution and fine under section 124 of the Act of the driver ~~as well as the owner of the vehicle~~ or the person who is in charge or allows the vehicle to be driven. This provision however does not shut out action under section 60 for the cancellation of the permit. There is no information whether Transport Authorities generally take action both under section 124 (prosecution) and section 60 (cancellation of permit) in respect of overloading of a bus.

. ↑ F 131-132 of M & T Code

↓ to 169 ibid

↓ ibid "

↓ to 169 and 66 "

8.
4/12

4/12

4/12

(Term. ter: stet)

Please see the order at pp. 13-14 of (U). The action taken against bus 8755 clearly falls under s. 60 of the Act.

As bus 9845, please see M.S.'s note at p. 6 above. The terms of s. 60(1)(a) of the Act are the point at issue — and it is a matter of the technical effect of legal interpretation, for on merits this man, with 40 offences in 4 years, should hold no permits at all. The question is this:— under s. 60, can the authority, as the climax of a continued series of offences, each culminating in a case on which a minor order (suspension) of penalty has been passed, take action to cancel a permit? On reconsideration, I would say "no" and hold that "on the breach of any condition in the permit" implies action on a specific case — if it is the last of a series, the action taken may be the more severe. In this view, I think the Act is badly put & should have allowed of cancellation or suspension for bad behaviour generally, so to speak. But, even as it stands, we can work it all right (if my view is sound) by explaining the position in making R.T. Bdg.

(P.T.O.)

understand that they should work on a S.75. old offender basis when dealing with offenders.

The further point is the order permanently barring the offender from holding permits. I can see no legal basis for that: those such offenders should be put on a standing black list and turned down if they offly again.

4.12.60.

Lido 2

There is undoubtedly correct: an order must issue according to the position be pointed out to C.R.T.B.d: it is for them to permit it or not to R.T. Bd.

Short no attention need be paid to the crocodile tears in here or to the petitioner the order with have the effect ~~because~~ wise person in as much as a permit can only be cancelled for a specific offence or case & there is no warrant for an order barring an individual permanently from holding a permit

HA
10.12

HOME SECRETARY
11 DEC 1960
GOVT OF MALTA

10

A draft is submitted for approval.

13/12

19/12

14/12

52.03

19/12

60

C.F. 17.

DRAFT FOR APPROVAL.

Home Department

	Date.	Initials.
When received for fair copying ...		
When copied ...		
When examined...		
When signed ...		
When despatched.		

SUBJECT :—

MOTOR VEHICLES - Permit - Buses MYS 8755 and MYS 9845 - Cancellation - Orders of R.T.Bd., Bellary and the decision of the C.R.T.Board - Sri ~~the~~ Chenna Veerappa's petition - R.T. Bd.'s order to be revised - [Permanently barring a person from holding a permit Not warranted - Central Board to issue instructions.]

READ AGAIN [I omit to peth there] , dated ..... 19....

" " ..... " ..... 19....

READ *ALSO* :—

No. ..... From ~~Mr~~ Sri S.Chenna Veerappa, No. —, dated 7-10- 1940

" ..... " the Secy., C.R.T.Bd. " 9651/40 " 24-10- 1940.

" ..... " ..... " ..... " ..... 19....

Order ~~Resolution~~ **Ms.** ~~Rout.~~ **No.** 5205, **dated** 19/11/40 **19....**

In the proceedings of the R.T.Bd., Bellary, C.No.760/RTB/40, dated 31-5-40, complained against, the R.T.Bd. has cancelled the permits of buses MYS 8755 and MYS 9845, and has permanently debarred the petitioner from holding any permit for public service vehicles. The cancellation of the permit of bus MYS 8755 on a charge of overloading is in order under section 60(1)(a) of the Motor Vehicles Act, 1939.

The cancellation of the permit of bus MYS 9845 is not legally justifiable. The permit of this bus was suspended for one month as a specific punishment by the order of the R.T.Bd. of the 16th March 1940, for the offence of overloading on the 31st January 1940. Further a permit can be cancelled only for any of the reasons specified ~~under~~ in section

60(1) of the Act. If action is taken under section 60(1)(a), it should be on a specific case of the breach of any condition in the permit or of any condition specified in section 59(3).

The Government, therefore, direct that the proceedings of the R.T.Bd., Bellary should be cancelled in so far as it applies to the permit of bus MYS 9845.

2. The C.R.T.Bd. is informed that on merits the petitioner, with 40 offences in 4 years, does not deserve to hold any permit at all. But under the Act or the Rules there is no warrant for an order barring an individual permanently from holding a permit. When dealing with offenders of this type, action may be taken on the basis that an offender who has been punished before should receive a severer penalty for that reason. As regards barring such offenders permanently from holding permits, it is open to the Transport Authorities to put such offenders on a standing black list and turn them down if they apply again. The Central Board is requested to explain the position to all the R.T.Bds.

3. File No.5550/40 is returned to the Central Road Traffic Board, to be acknowledged in the attached form.

4. The petitioner is directed to

apply to the R.T.Board, Bellary, for orders on his petition.

18/12

To Sri S.Chenna Veerappa,
thro' Sri T.Srinivasachari,
Advocate, 12 Law Chambers,
High Court, Madras (with
p.7 c.f. in orgl.) para 4
only.

To the Secy., C.R.T.Bd.
(with the papers at (V)
and p.4 of draft in orgl.)

copy for stock file.

37504 V 4

3.1.41.

12-95

9651/40.

Acknowledgment

ASSISTANT SECRETARY TO GOVT. * HOME DEPARTMENT * 24 DEC. 1940

Received File No. 5350/40 containing 47

I pages, sent with G.O no. 5203 Home dated 19.12.40

p 22

Secretary,
Central Road Traffic Board.

Dated 23-12-40

To the Secretary to Government,

Home Department, MADRAS.

Home (B) dept

For Supt

(I)

Filed with G.O no 5203 Home
dt 19.12.40.

4/1

12/1

✓ 4996 / 17/2

26

From

S.Chennaveerappa,
Bus Owner,
Brucepet, Bellary.

To

HIS EXCELLENCY THE GOVERNOR OF MADRAS,

M A D R A S.

Thro'

T H E S E C R E T A R Y,
Home Department,
Fort St., George,
M A D R A S.

H / P1 Ref: Memorandum No. 3622 B - 1, dated 12th Feb. 41.

Re: Motor Vehicles - Permit - Bus Mys. 8755 - Cancelled by the Road Traffic Board, Bellary - G.O.No. 5203 Home, dated 19th December 1940. I / P22 Reconsideration of - Reference from Sri. Chenna Veerappa dated 3rd January 1941.

P1 & H I am in receipt of your above memorandum and I am extremely sorry that the Memorial submitted by me has been done without the necessary stamps. I am herewith re-submitting the memorial petition with the required Court fees stamps of Rs. 1-8-0 together with the original copy of the Madras Govt., Order No. Ms. 5203 dated 19-12-40.

P2-5 infra

P6-7 infra

I am also herewith enclosing the original order of the District Magistrate, Chitaldrug, No. J2. 1348/40-41 dated 7-1-41 restoring my permit in their territory. I am allowed to ply my Rayadrug-Bellary bus provided I obtain permission in Bellary District.

P8 infra

I pray that favourable orders may be issued at an early date.

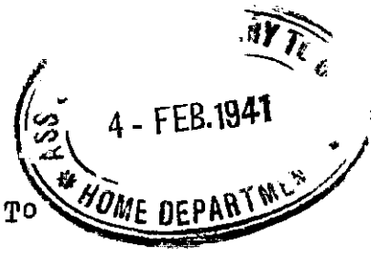
Bellary.
14-2-41.

YOUR EXCELLENCY'S MOST HUMBLE MEMORIALIST,

S. [illegible]
14.2.41

Encl: 4.

1, 2 J 3622 27



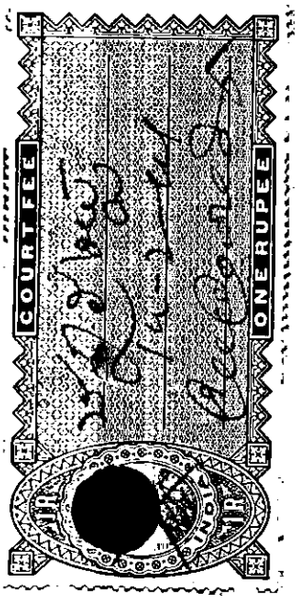
Madras, 31st January, 1941.

To

HIS EXCELLENCY THE GOVERNOR OF MADRAS,

M A D R A S.

Petition



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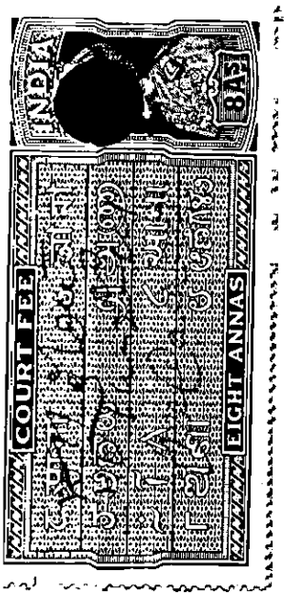
T H E S E C R E T A R Y,
Home Department,
Fort St: George,
M a d r a s.

The humble memorial of S. Chenna Veerappa, Bus-owner, Bangalore Road, Brucepet, Bellary, most - respectfully Showeth:--



1. Your Memorialist is a Licensee of Public Service Carriage, both in the British Territory and in the Mysore State for the past over 10 years. He has been maintaining two services, one between Bellary and Chitaldrug, a distance of about 84 miles, of which 14 miles is within the British territory and the remaining 70 miles in the Mysore State. The other -- service is from Bellary to Rayadrug, a distance of - about 45 miles, of which 18 miles is in British territory and the remaining 27 miles is in the Mysore State.

2. Your Memorialist was getting his licenses renewed year after year as required by the Motor -- Vehicles Rules during all this period, both in the British territory and in the Mysore State, and has - been maintaining the service most officiently and -- suitably to the convenience of the travelling public. He has also been adhering carefully to the several -

rules and regulations laid down for plying Motor -- vehicles.

3. But from about the beginning of 1940 --- misfortune dogged the foot-steps of your Memorialist and he, for no fault of his, incurred the displeasure of the Traffic authorities in the Bellary District. The Traffic authorities set about to collect all -- materials, real and imaginary, against your unfortunate Memorialist to disqualify him permanently from holding any service and thus to deprive him of his prime means of livelihood.

4. With this end in view one of your Memorialist's Bus MYS. 8755 running between Bellary and -- Rayadrug was suspended in the first instance for one month in March 1940 and in May 1940 the licenses of both the Buses MYS. 8755 and MYS. 9845 were permanently cancelled on a general finding that your Memorialist has had about 40 convictions during the whole - period of his bus service, and that he is not a fit - and proper person to hold the license.

5. Your Memorialist begs to submit that all or almost all the convictions running over a period of 4 or 5 years are for technical and trivial offences and if this is taken as basis, every bus-owner will - have to be labelled with the same bad record - in the course of 4 or 5 years and be held unfit to hold license.

6. Your Memorialist preferred an appeal against this order of the Road Traffic Board, Bellary, to the Central Road Traffic Board, Madras, which however --

rejected his appeal. On a revision petition filed by your Memorialist to the Provincial Government, the Government by its order dated 19-12-1940 G.O.No.Ms. 5203, Home Department, was pleased to set aside the order of the Road Traffic Board, Bellary, C.No.760/RTB/40 dated 31-5-1940 so far as it applies to the permit of the Bus MYS. 9845, but uphold the cancellation of the permit for the Bus MYS. 8755, which was plying from Bellary to Rayadrug. In the said G.O., the Government was pleased to observe that there is no warrant under the Act or the Rules for an order barring an individual permanently from holding a permit.

7. Your Memorialist further begs to state that even this partial success he was unable to retain for long, since the license for Bus MYS. 9845 had to be renewed on 7-1-1941 and when an application was made for renewal on the said date, the Road Traffic Board, Bellary, summarily dismissed the renewal application stating that your Memorialist is not entitled for renewal on account of his past bad record. It was with considerable loss and hardship your Memorialist had to prefer an appeal against this order to the Central Road Traffic Board, which however cancelled the order of the Road Traffic Board, Bellary.

8. Your Memorialist begs to submit that the Road Traffic Board in spite of the order of the Provincial Government was not pleased to give him a fair chance, though he was kept out wrongfully for about 8 months from running his bus service.

9. Your Memorialist begs to submit that the Mysore Government was pleased to reconsider and

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grant him renewal for both the services in their territory, and the said Mysore Government have also directed the Memorialist to apply to your Excellency's Government and get a permit to run his bus from Bellary to Rayadrug so far as - pertains to the British territory.

10. Your Memorialist suffered more than is necessary and has had heavy reverses and losses during the past 8 or 9 months for trivial and technical faults, which was made much of by the Road Traffic Board authorities, Bellary.

11. Your Memorialist is a most loyal and law abiding citizen of the British Government and besides contributing liberally to your Excellency's War Fund both in the Mysore Province and in Bellary District, has also been doing -- propaganda work advising his friends to help the Government with liberal contributions.

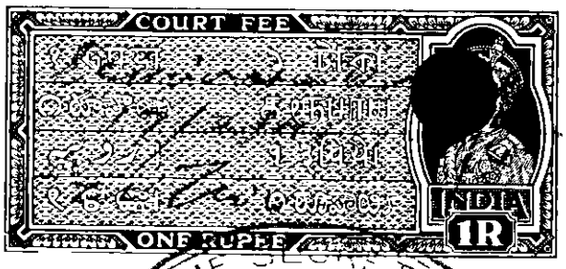
Your Memorialist, therefore, humbly prays that your Excellency's Government will be pleased to order - the restoration of his Bus MYS. 8755 for running the -- service between Bellary and Rayadrug, for which act of kindness your Excellency's Memorialist will ever remain grateful to your Excellency.

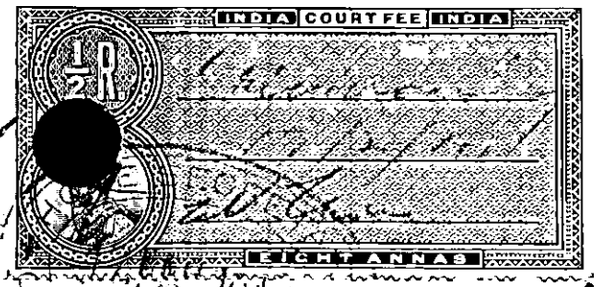
YOUR EXCELLENCY'S MOST

HUMBLE MEMORIALIST.

S. ಪದ್ಮನಾಭಯ್ಯ

31-1-1941





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Petition

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BEFORE THE PROVINCIAL GOVERNMENT: M A D R A S.

Petition objecting to the grant of Permit to S. Channa Veerappa, Bus-owner, Bellary, for his Bus MYS 8755 between Bellary and Rayadrug.....

G. Joseph Rathnam.....PETITIONER.

The humble petition of G. Joseph Rathnam, Proprietor, G.J.R. Motor Works and Service, Chittaldrug, Mysore State, most respectfully showeth:--

1. The Petitioner is a licensee for running buses between Chittaldrug and Davanagere, and -- between Chittaldrug and Molkalmuru, both in the -- Mysore State, for over 15 years, that is from 1926 onwards, and during the past three years he is also one of the Government Contractors for carrying Mails between Chittaldrug and Molkalmuru.

2. On the 2nd day of July 1941 the Petitioner was granted a temporary license by the Road Traffic Board authorities, Bellary, to run a bus between -- Bellary and Rayadrug, which license was made permanent in September 1940. The Mysore authorities also have granted a license to the Petitioner to run the said bus in their territory till January 1941.

3. The Petitioner begs to submit that this - new service, Viz., Bellary to Rayadrug was granted to him as the previous licensee Mr. Channa Veerappa, was declared by the Road Traffic Board, Bellary, by its order dated the 31st day of May 1940 in Proceedings C.No. 760/RTB/40 to be an unfit and undesirable

not included

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person, and as such his licenses were cancelled. --

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p22

4. The Government by its order G.O.No. 5203 Home Department, dated 19-12-1940, while upholding the order of the Road Traffic Board so far as ---- Bellary Rayadrug route is concerned, have however set aside the order of the Road Traffic Board, -- Bellary, as regards Bellary-Chittaldrug route.

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pp 2-5 ante

5. The Petitioner understands that the said S. Channa Veerappa has memorialised the Government to grant him license for his Bus MYS. 8755 for the route Bellary-Rayadrug also on 3-2-1941, and the said petition is now pending before the Government.

6. On the strength of the license granted to the petitioner both by the Road Traffic Board, -- Bellary and the Mysore State, and hoping that his - license will not be disturbed, the Petitioner has - invested nearly Rs. 10,000-0-0 both in the purchase of a new Mys. A-1135 Bus and in establishment and workshop expenses, and if he should be suddenly deprived of his - license, he will be utterly ruined.

7. The Petitioner's license was withheld by the Mysore authorities between December 24, 1940 and the 11th day of January 1941 on their coming to know that the Government have renewed the license of the previous owner Mr. S. Channa Veerappa, but on - 11-1-1941 on ascertaining that the previous licensee Mr. S. Channa Veerappa was permitted to run his Bus only between Bellary and Chittaldrug and that the -- order of the Road Traffic Board, Bellary, so far as Bellary-Rayadrug was concerned was confirmed, allowed the Petitioner to run the Bus in the Mysore territory

along the Bellary-Rayadrug route till the end of March 1941. Thus, it will be seen that the Petitioner has got license from the Road Traffic Board, Bellary to run his Bus from Bellary to Rayadrug till the end of September 1941, so far as the British -- territory is concerned, and in the Mysore State till the 31st day of March 1941. In any event, the -- Petitioner submits that he cannot be deprived of his license till the end of September 1941, as he holds a proper license till that date.

8. The Petitioner submits that as the Road Traffic Board rightly observed the previous licensee Mr. S. Channa Veerappa has had about 40 convictions till now and he has been rightly punished by the - authorities and any interference by the Government on his behalf is not justifiable.

9. Even if the Government on a consideration of all these things still comes to the conclusion - that S. Channa Veerappa may be granted a license, - such a decision should be passed to take effect only after September 1941, when the question of the renewal of the license of the Petitioner comes up for consideration.

10. The Petitioner submits that he has staked his all in this service and that he should not be -- deprived of his livelihood and ruined financially all of a sudden.

11. Under the circumstances the Petitioner prays that it is right that the Government should be pleased to reject the memorial of S. Channa Veerappa and that

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the Petitioner should be allowed to continue the service unhampered.

Dated at Madras this 17th day of February 1941.

L. Joseph Nallan

Petitioner.

4996/17/2 Home (B) dept.

M.V.S - Permit - Bus Mys 8755 - Cancelled by the R.T. Board, Bellary, (I) G.O No 5203 Home dt 19.12.40 - Reconsideration of -

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p1 cf From Sri. Channaveerappa dt 14.2.41.

p1 cf [Con 5 III] From Sri. G.T. Ratnam dt 17.2.41.

There are two petitions in this file and both of them are not statutory appeals under rule 148 of the M.M.V. Rules, 1940.

+ 78 of M.R.T. Code 1940

2. The first petition from Sri. Channa Veerappa is a representation against the orders of the Govt. in para 1 of G.O No 5203 Home dt 19.12.40 upholding the Bellary R.T. Board's order cancelling the permit in respect of bus Mys 8755. The petitioner requests that the permit of this bus may be restored to him as he had suffered severe loss so far. As regards his case in respect of this bus, please see the notes under item (i) on pp 13-14 of (I) and also the remarks of the Secy. at Z on p 19 ibid.

I p22

xi S on p 5 cf

Q para 10 on p 5 cf

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The second petition, from Sri G. T. Ratnam who is at present operating on the route in which bus MYS 8755 was running, is only a counter to the first petition. His grievance is that he had purchased a new bus on the strength of the permit granted by the R. T. Board, Bellary and that he will be ruined if he is now deprived of the permit.

Submitted for orders.

S.I. 24/2

KD 26/2

There are no grounds whatsoever for the reconsideration of the orders passed regarding bus MYS 8755. The petition may be dismissed Summarily

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4/1.3.41.

Draft submitted. After issue the papers may be filed with G.O.No 5203 Home dy 19-12-40.

(I)

S.I. 3/3

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KD. 3/3

Memo 4996 B 2 5.3.41

Home (B) dept

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~~Dft~~
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Memo · 4996 B-2 dt 5·3·41

M.VS - Permit - Bus Mys 8755 - Cancelled by the R.T. Board, Bellary - G.O No 5203 Home dt 19·12·40 - Reconsideration of - ~~Decline~~ Refused Refce - Petitions from Sri Chenna Veerappa dt 14·2·41 ~~and Sri G.T. Ratnam dt 17-2-41~~.

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p22

p1 cf

p10 cf

The petition from Sri Chenna Veerappa is dismissed. The Govt. see no grounds for the reconsideration of the order in G.O No 5203 Home dt 19·12·40.

3/3

KD
3/3

N229 (I)

To

Sri Chenna Veerappa
Bus owner, Brucepet
Bellary (with pp1-9 cf in original)

Sri. G. T. Ratnam
proprietor, G.T.R. Motor works
and Service, Chitaldrug
(Mysore State).

The Secy, C.R.T. Board.
(with a copy of pp 2-5 and 10-13 cf)